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April 09, 2007

U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**ATTENTION:** Document Control Desk

**SUBJECT:** Nine Mile Point Nuclear Station  
Unit No. 1; Docket No. 50-220  
NRC Inspection Report No. 50-220/2006-011  
Reply to a Notice of Violation: EA-07-001

- REFERENCES:**
- (a) Letter from Mr. A. R. Blough (NRC) to Mr. T. J. O'Connor (NMPNS) dated February 13, 2007, NRC Licensed Operator Requalification Program Inspection Report 05000220/2006011 and 05000410/2006011; Preliminary White Finding - Nine Mile Point Nuclear Station.
  - (b) Letter from Mr. S. J. Collins (NRC) to Mr. K. Nietmann (NMPNS) dated March 13, 2007, Final Significance Determination for a White Finding and Notice of Violation (NRC Inspection Report 05000220/2006011; 05000410/2006011) - Nine Mile Point Nuclear Station.

This letter provides Nine Mile Point Nuclear Station's (NMPNS) response to Reference (b), which identified a Notice of Violation associated with a White Finding. This finding involved the Licensed Operator Requalification Training Program and the unintentional compromise of the annual simulator exam integrity for calendar years 2005 and 2006. NMPNS agrees with the violation and has taken corrective steps to prevent further violations.

Attachment (1) provides NMPNS's detailed response to the violation. In accordance with 10 CFR 2.201, this response describes the reason(s) for the violation, the corrective steps that have been taken and results achieved, corrective steps that will be taken to avoid further violations, and the date when full compliance was achieved.

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Should you have any questions regarding this matter, please contact M. H. Miller, Licensing Director, at (315) 349-5219.

Very truly yours, 

Kevin J. Nietmann  
Vice President Nine Mile Point  
(Acting)

KJN/GB/

Attachment: (1) Reply to a Notice of Violation; EA-07-001,  
NRC Inspection Report No. 50-220/2006-011

cc: S. J. Collins, NRC Regional Administrator, Region I  
L. M. Cline, NRC Senior Resident Inspector  
R. A. Blough, NRC Region 1  
D. V. Pickett, NRR Project Manager

**ATTACHMENT (1)**

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**REPLY TO A NOTICE OF VIOLATION;**

**EA-07-001**

**NRC INSPECTION REPORT NO. 50-220/2006-011**

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**ATTACHMENT (1)**  
**REPLY TO A NOTICE OF VIOLATION; EA-07-001**  
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**I. NOTICE OF VIOLATION**

*10 CFR 55.49, requires, in part, that facility licensees shall not engage in any activity that compromises the integrity of any application, test, or examination required by this part. The integrity of a test or examination is considered compromised if any activity, regardless of intent, affected, or, but for detection, would have affected the equitable and consistent administration of the test or exam.*

*Contrary to the above, the facility licensee engaged in an activity that compromised the integrity of the annual operating (simulator) exam at Unit 1 for calendar years 2005 and 2006 that affected the equitable and consistent administration of the exam. Specifically, the process used to select and validate the simulator exam scenarios resulted in the licensed operators being knowledgeable of a significant portion of the exam prior to its administration.*

**II. REASON FOR THE VIOLATION**

As listed above, an NRC Notice of Violation was issued to Nine Mile Point Nuclear Station (NMPNS) for failure of its Licensed Operator Requalification Training Program to comply with the test and examination requirements as outlined in Title 10 of the Code of Federal Regulations Part 55.49, "Integrity of Examinations and Tests." Specifically, in 2005 and 2006: (1) the Unit 1 operators were tested using requalification simulator exam scenarios substantially similar to simulator exam scenarios that they had previously validated; and (2) the exam scenarios lacked diversity from one testing period to the next. The results of a root cause investigation, conducted to address this violation, identified the following causes:

- Policy guidance, management expectations, and job performance standards were not well defined or understood. The existing procedure/process that governed the licensed operator requalification examination development and validation did not provide adequate direction or establish clear job performance standards.
- A rigorous review and analysis of the operator requalification exam by an experienced exam author did not occur during the review/challenge process. No person(s) outside the immediate exam development team signed on to the exam security agreement to perform a comprehensive exam set review.

**III. CORRECTIVE STEPS THAT HAVE BEEN TAKEN AND THE RESULTS ACHIEVED**

Immediate corrective actions taken at the time of discovery included:

1. All operator exam administration was suspended;
2. NMPNS declared the 2006 Unit 1 annual license simulator exam scenarios administered to date invalid; and
3. A root cause evaluation was initiated to investigate the details which led to identifying the cause(s) for the violation.

**ATTACHMENT (1)**  
**REPLY TO A NOTICE OF VIOLATION; EA-07-001**  
**NRC INSPECTION REPORT NO. 50-220/2006-011**

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The following corrective actions were taken as a result of the investigation:

1. The administrative process for the development of licensed operator requalification exams was revised. The process now assures quality and content diversity among each examination set for the licensed operator requalification comprehensive written and annual operating exams.
2. A new dynamic matrix, containing a minimum of thirty (30) simulator test scenarios, was developed for Unit 1. The scenarios have unique accident mitigating strategies and cover all aspects of the Emergency Operating Procedures (EOPs) as well as significant Special Operating Procedures (SOPs).
3. The Training Manager performed an independent review of the dynamic portion of the 2006 License Operator Requalification Program prior to its administration.
4. A formal training and qualification process for Initial License Examination Developers and Licensed Operator Requalification Examination Developers has been implemented.
5. A requirement to perform an independent review and analysis by a knowledgeable and experienced individual during the operator exam review/challenge process was incorporated into Training Department procedures.
6. New and more comprehensive simulator exam scenarios were administered to all Unit 1 licensed operators.

**IV. CORRECTIVE STEPS THAT WILL BE TAKEN TO AVOID FURTHER VIOLATIONS**

As a result of the remedial actions and enhancements to the Licensed Operator Requalification Program described above, NMPNS is confident that those actions taken provide reasonable assurance that future similar events will not occur.

**V. DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED**

Full compliance with the Licensed Operator Requalification Training Program was achieved on December 29, 2006 as a result of the corrective actions.